

In The United States Patent And Trademark Office

In re Application of:

Wojciech Slusarek, et al

IMAGING ELEMENT CONTAINING A
BLOCKED PHOTOGRAPHICALLY
USEFUL COMPOUND

Serial No. US 09/904,616

Filed 13 July 2001

Group Art Unit: 1621

Examiner: Samuel A. Barts

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

The owner, Carestream Health, Inc. of the entire interest in the instant application, hereby disclaims except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,319,640. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that the prior patent hereafter: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has

all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

☒ The undersigned is an attorney of record. (If this box is not checked do not use this form)

<u>March 3, 2008</u> Date Telephone: (585) 724-9401 Facsimile: (585) 724-9400 /mjl	<u>Susan L. Parulski</u> Susan L. Parulski Attorney of Record Registration No. 39,324
--	--

☒ Please charge any additional fees to Carestream Health, Inc. Deposit Account 50-4233